

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sheila Donovan	Team: Team # 7	CCRB Case #: 200507997	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 07/11/2005 5:25 PM	Location of Incident: Howard Avenue & Livonia Avenue	Precinct: 67	18 Mo. SOL 1/11/2007	EO SOL 1/11/2007	
Date/Time CV Reported Mon, 07/11/2005 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/14/2005 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Pablo DeJesus	00337	915572	067 PCT
2. POM John Tancredi	00192	924537	067 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Barra	03537	903402	067 PCT
2. SGT Adrian Ashby	00343	921934	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Pablo DeJesus	Discourtesy: PO Pablo DeJesus spoke obscenely and rudely to § 87(2)(b)	
B. An officer	Discourtesy: An officer spoke obscenely and rudely to § 87(2)(b)	
C.POM Pablo DeJesus	Abuse: PO Pablo DeJesus searched the car in which § 87(2)(b) was an occupant.	
D.POM Pablo DeJesus	Off. Language: PO Pablo DeJesus made remarks to § 87(2)(b) based upon the sexual orientation of § 87(2)(b)	
E.POM Pablo DeJesus	Force: PO Pablo DeJesus used physical force against § 87(2)(b)	
F.POM John Tancredi	Abuse: PO John Tancredi damaged § 87(2)(b) property.	

Synopsis

On July 14, 2006 the CCRB received this complaint from IAB. § 87(2)(b) reported that on July 11, 2005 he made a U-turn and parked his cousin's boyfriend's Nissan Maxima on Tapscott Street between Howard Avenue and Livonia Avenue. His cousin, § 87(2)(b) and her two sons § 87(2)(b) and § 87(2)(b) were in the car with a small dog. Officers in an unmarked car pulled up adjacent to the vehicle and asked § 87(2)(b) for his license. Sgt. Adrian Ashby, PO John Tancredi, PO Michael Barra and PO Pablo Dejesus were the officers who approached him. § 87(2)(b) did not have his license and was told to go to the back of his vehicle where PO Dejesus was standing. He claimed that PO Dejesus told him to "shut the fuck up" (Allegation A.) A civilian witness, interviewed for this investigation stated that one of the officers called § 87(2)(b) a "stupid bitch" (Allegation B.) § 87(2)(b) claimed that his cousin's car was then searched but could not say where, only that he saw officers' legs sticking out of the car (Allegation C.) § 87(2)(b) stated that when he objected to his car being searched PO Dejesus began cursing but § 87(2)(b) could not be sure what he said. PO Dejesus handcuffed him and brought him to the police car. § 87(2)(b) stated that he was talking "garbage" into PO Dejesus' ear. He alleged that when PO Dejesus put him into the police car he said, "Get in the car you little faggot" (Allegation D.) § 87(2)(b) responded, "Your mom's a fagot." § 87(2)(b) claimed that PO Dejesus punched him in the face at that time (Allegation E) and then turned around to walk away but turned back around and said, "Say one more thing about my mother." § 87(2)(b) responded, "Your mom's a bitch." § 87(2)(b) alleged that PO Dejesus attempted to hit him a second time, but his arm caught the window frame. § 87(2)(b) also claimed that the officer who drove the car back to the stationhouse damaged the gears of the car so that the car no longer functions correctly (Allegation F.)

§ 87(2)(b) was the only person who stated that PO Dejesus told him to "shut the fuck up" § 87(2)(g) . The only person who claimed that an officer called § 87(2)(b) a "stupid bitch" was § 87(2)(b) § 87(2)(g)

According to the Patrol Guide officers are prohibited from using disrespectful remarks regarding another person's sexual orientation. § 87(2)(b), § 87(2)(g)

The patrol guide also states that only that amount of force necessary to overcome resistance will be used to effect an arrest. § 87(2)(b) claimed that at the time PO Dejesus punched him he was handcuffed. § 87(2)(b), § 87(2)(g)

Summary of Complaint

Internal Affairs log/referral

§ 87(2)(b), § 87(2)(g)

During his IAB interview as with during his CCRB interview, § 87(2)(b) claimed he was punched and not slapped as was indicated on the IAB log. § 87(2)(g)

CCRB Interview

On July 11, 2005 at approximately 5:25PM § 87(2)(b) was driving his cousin's car on Tapscott Street between Howard Avenue and Livonia Avenue in the Bronx. His cousin § 87(2)(b) was in the back of the car with her § 87(2)(b), who was in his booster seat. Her § 87(2)(b) was in the front seat. They were coming from picking up § 87(2)(b) from Day Camp. § 87(2)(b) lives on Tapscott. § 87(2)(b) made a U-turn in order to parallel park in a spot on the other side of the street. As he parked and turned off the car, he noticed an unmarked police vehicle in his mirror. § 87(2)(b) saw the lights flashing in the grill so he knew that they were police but did not think that an undercover officer would stop him for a minor traffic infraction such as a U-turn. An officer asked § 87(2)(b) for his license and registration.

Another officer told him to stay in the vehicle. § 87(2)(b) was getting out of the car to let his cousins out of the car. PO DeJesus was at the back passenger side of the vehicle. There were a total of four officers there but § 87(2)(b) could not remember who was interacting with him at the beginning of the incident. § 87(2)(b) explained to the officers that he did not have his license and gave them his driver's license number and social security number. § 87(2)(b) was sitting in the car with his legs outside the car. He had been told to get back into the vehicle. The car that he was driving was his cousin's boyfriend's car, a Nissan Maxima.

§ 87(2)(b) was told to go to the back of the car. After he stood up to go to the back of the car the officers began to search the car. § 87(2)(b) asked, "What are you going through the car for?" He was told to go to the back of the vehicle where PO DeJesus was standing and they continued to search the car. § 87(2)(b) could not say for sure where they were searching in the car, only that he could see an officer's legs sticking out of the car. He thought that it was one of the white officers. The windows on the car are tinted so that even if § 87(2)(b) were doing something illegal they would not have been able to see. PO DeJesus patted § 87(2)(b) down, he allowed him to do that. § 87(2)(b) told him that he was not going to find any guns or drugs in the car and told them that there are real criminals in the neighborhood that they should be harassing and that he was with his § 87(2)(b) old cousin and would not like him to be exposed to this. They called § 87(2)(b) a smart-ass and threatened to take him down to the precinct. § 87(2)(b) asked if he could stop looking through his cousin's vehicle and explained that it was not his. PO DeJesus began cursing. § 87(2)(b) could not recall exactly what he was saying but it was something like, "Shut the fuck up." PO DeJesus told him that he was a smart-ass and he was going to take him to the precinct. § 87(2)(b) § 87(2)(b) was in the front seat of the car and was telling § 87(2)(b) to shut up. The black officer was also telling him to shut up. § 87(2)(b) was calm and was not hostile. They threatened to take § 87(2)(b) to the precinct and he said, "Take me to the precinct. A night in jail means nothing to me." PO DeJesus handcuffed him and took him to the police vehicle. § 87(2)(b) was talking "garbage" into his ear saying, "You know you guys are really something else. There are real criminals going around. You are violating me. You think you are tough because you have your badge..." PO DeJesus opened up the back of the car and said, "Get in the car you little fagot." § 87(2)(b) said, "Your mother's a fagot." PO DeJesus sat § 87(2)(b) down in the car and punched him on the left side of his face with a closed fist. There were a bunch of witnesses at the laundromat across the street. The officers closed the door and PO DeJesus said, "Say something about my mother again." § 87(2)(b) said, "Your mother's a bitch." PO DeJesus tried to punch him again through the front window but his arm caught the frame of the window. The other three officers came and held PO DeJesus back. An elderly woman was a few feet away and § 87(2)(b) cousins were within ten feet. The Black police officer drove him to the precinct. As they were driving to the precinct § 87(2)(b) could hear a vehicle spinning its tires and driving recklessly. When he turned around to see, he found that it was his cousin's vehicle being driven by the youngest white officer. § 87(2)(b) claimed that the car's stick and clutch are no longer operating properly. When they got to the precinct § 87(2)(b) was brought to the front desk of the 67th Precinct. § 87(2)(b) mentioned that he wanted to go the hospital. The officers did not seem to think he was serious.

Results of Investigation

§ 87(2)(b) § 87(2)(b)
§ 87(2)(b) was interviewed at a Laundromat across from § 87(2)(b) on July 27, 2005. On July 11, 2005 § 87(2)(b) was walking up § 87(2)(b) from her home to visit a friend who lives at § 87(2)(b). As she was approaching the building she saw officers pull up on the drivers side of the cars that were parked. The officers got out and went over to a parked car. Two officers went to the driver's side and two went to the passenger's side. They opened the door and asked a young lady to get out of the car and said something that § 87(2)(b) could not hear. They had the children get out of the car. They took the man out of the car and he was trying to ask questions like, "What happened? What did I do?" They asked him for papers and he went into the glove compartment. The woman told the officers that the car belonged to her husband. They took the man out of the car. One officer kept saying, "Shut up!" There were four officers in all; one was a black male, one was a Hispanic male and the other two officers were white males. One of the white males was bald.

A white officer took the man out of the car and made him face the car, put the handcuffs on him, shoved him in the car and punched him in the face. § 87(2)(b) went inside of a first floor apartment to make a complaint at that point but could see out of the window of the apartment. The officer was inside the car with § 87(2)(b) when he punched him. One of the officers went into the trunk and pulled out a backpack. An officer on the sidewalk said to the female in the car, "Shut up you stupid bitch and get out of the car." § 87(2)(b) was cooperating the whole time. The officers left, making a U-turn and cutting off traffic in order to make way for the car that § 87(2)(b) had been driving. § 87(2)(b) did not see the officers damage the car. § 87(2)(b) was asked to clarify which officer became physical with § 87(2)(b) but § 87(2)(b) could not remember. She knew that it was not a black officer but could not remember for sure if the officer was white or Hispanic. § 87(2)(b) claimed that she did not know § 87(2)(b) from the neighborhood because § 87(2)(b) and her husband just moved to the area.

§ 87(2)(b) was interviewed on July 27, 2005 at a Laundromat across from § 87(2)(b). On July 11, 2005 at approximately 5:25PM § 87(2)(b) was coming out of the front door of the Laundromat, which her husband owns. She looked across the street and saw police officers looking into a car. She noticed that they had someone handcuffed. A Hispanic officer pushed the man into a car and hit him. It looked like he hit him with a fist after the man said something. The officer bent over and hit the man again. The officer walked away and went to the other side of the car. The man must have said something that aggravated the officer again because he looked in the car and hit the man a third time. A black officer put his hand on the Hispanic officer's shoulder and the Hispanic officer walked away into his car. A white officer looked in the back seat of the car that § 87(2)(b) had been driving. § 87(2)(b) could not hear what was being said but § 87(2)(b) was talking throughout the incident. A white officer and a Puerto Rican officer rummaged through the car. There was a lady with a boy standing next to the car. When the cop car pulled off it almost got into an accident with another car that was coming.

§ 87(2)(b) had never met § 87(2)(b) before but she does know § 87(2)(b). She does not know § 87(2)(b).

Other Civilians

§ 87(2)(b), § 87(2)(g) indicated that the correct telephone number was called in order to reach her. The female who answered the phone stated that § 87(2)(b) did not live at that residence. § 87(2)(b) believed that § 87(2)(b) husband did not want her to make a statement and that she therefore was unwilling to cooperate. § 87(2)(b) did not know § 87(2)(b) apartment number so the mail that was sent to her home was returned to the CCRB. § 87(2)(b) is not listed in Metrosearch or Coles.

Officer Identification

PO Pablo DeJesus was identified as the subject officer by the IAB. He was listed as the arresting officer on the paperwork generated from this arrest and was the only Hispanic officer on the scene. The roll call indicated that he was working anti-crime with Sgt. Adrian Ashby, PO Michael Barra, and PO John Tancredi.

PO Pablo DeJesus

PO Pablo DeJesus was interviewed at the CCRB on August 19, 2005. On July 11, 2005, PO DeJesus was assigned to anti-crime and worked with PO Barra, PO Tancredi, and Sgt. Ashby. They were dressed in plainclothes and drove a black impala. PO DeJesus did not have his memo book at the time of the interview and therefore was not sure of the tour he worked.

At approximately 5:25PM on July 11, 2005, PO DeJesus and the officers on his team observed § 87(2)(b) vehicle make a right turn at a red light. They followed the vehicle and it made an illegal U-turn on Howard and Livonia. The car stopped in front of a building and they pulled up behind it. Either PO Barra or PO Tancredi approached § 87(2)(b) and asked for his license, registration and insurance card. All of the officers came out of the police vehicle. There was a female in the car with § 87(2)(b). She had a small dog

with her and her child was also in the car. § 87(2)(b) was inside his vehicle when the officers approached. § 87(2)(b) got out of the vehicle and moved towards the back of the vehicle. § 87(2)(b) was upset, pissed off and was saying, “Motherfucking cops. This is a great lawsuit.” PO Dejesus asked him, “Do you have a license?” § 87(2)(b) said, “Don’t fucking need the license.” PO Dejesus explained that he was stopped because he had made a right turn at a red light and an illegal u-turn. He told § 87(2)(b) to give them the license and he would only get a summons. At this point § 87(2)(b) began flailing his hands and said, “This is a great motherfucking lawsuit. Fuck y’all. Fuck your mothers.” PO Dejesus said, “Listen just give us your driver’s license, all you’re going to get is a summons. There’s nothing more to it.” § 87(2)(b) slapped PO Dejesus’ hand at this point. PO Dejesus turned him around, handcuffed him and brought him to the rear right hand seat of the police vehicle. § 87(2)(b) started shoving and pushing PO Dejesus. PO Dejesus pushed him into the car. When PO Dejesus closed the door § 87(2)(b) was really angry at him. At this point Sgt. Ashby told PO Dejesus, “You drive the car with PO Tancredi.” Sgt. Ashby and PO Barra took § 87(2)(b) back to the station house. PO Dejesus did not have any conversation with the defendant at the stationhouse. PO Dejesus explained, “I didn’t want to get close to him or anything like that because I was afraid maybe he might do a lawsuit, something like that against me. So, my boss told me ‘Just ignore him. Just go into the room and start your paperwork.’” § 87(2)(b) was screaming and yelling at the desk. The cell attendant came to PO Dejesus and told him that § 87(2)(b) was making allegations that he had slapped him and punched him twice. § 87(2)(b) claimed that he was bleeding profusely from the mouth and acted like he was having a hard time speaking. PO Dejesus let his Sergeant know and called an ambulance. An ambulance came and picked up the defendant.

PO Dejesus could not recall if the car plates were run at the scene of the incident. He stated that the car was not searched at the scene because there was no reason to search the car. He and PO Tancredi looked around the area in the front to make sure there were no knives. PO Tancredi drove the car back to the precinct and PO Dejesus could not remember him having any problems driving the car. PO Dejesus claimed that the car was not damaged. The child in the car was approximately 3 years old. PO Dejesus stated that he did not punch or slap § 87(2)(b) and did not curse at him. § 87(2)(b) said, “You’re my son. I fucked your mom.” § 87(2)(b), § 87(2)(g) PO Dejesus thought that this was one of the reasons that his sergeant told him to get in the other car.

PO Tancredi

PO Tancredi was interviewed at the CCRB on August 31, 2005. On July 11, 2005 PO Tancredi worked from 1500 to 2335 hrs and was dressed in plainclothes. At 5:25PM he noted in his memobook that he had a 92C, an arrest effected by PO Dejesus. At 1735 PO Tancredi was present at the 67th Precinct. At 1245 PO Tancredi went back on patrol with Sgt. Ashby and PO Barra. At 1855 PO Tancredi he responded back to the Precinct for prisoner transport and at 2100 he transported § 87(2)(b)

PO Tancredi stated that he could not remember much about the incident. He and his partners were on routine patrol. PO Barra was driving and PO Tancredi was in the back. When § 87(2)(b) made a U-turn he parked his car and the officers pulled their car behind and to the left of § 87(2)(b) car. § 87(2)(b) exited his car and appeared as if he had not seen them. He walked around the car and inadvertently met the officers. They told him, “We’re stopping you.” There was a female in the passenger side of the car. PO Tancredi went around and was engaging her. Sgt. Ashby and PO Dejesus were talking to § 87(2)(b) at the rear of the car. PO Tancredi could remember that there was a child on the sidewalk that was a toddler or older. PO Tancredi was talking to the woman and the next thing he new § 87(2)(b) was in handcuffs. § 87(2)(b) was yelling about not having his identification or not needing his identification. § 87(2)(b) was talking about suing the city and how he was going to make a lot of money. PO Tancredi did not see who handcuffed § 87(2)(b) PO Dejesus was trying to get § 87(2)(b) into the car but § 87(2)(b) was pushing himself away from the car with his feet. The sergeant was also there. The woman was getting upset so PO Tancredi was talking to her in order to calm her down. She was telling § 87(2)(b) to calm down. PO Tancredi could not remember where PO Barra was. Sgt. Ashby and PO Barra took the prisoner back to the precinct and PO Dejesus and PO Tancredi took the car back. PO Tancredi drove because PO Dejesus does not drive stick. PO Tancredi stated that the car was a mess. He stated that it had mechanical problems the gears and the brakes were bad. PO Tancredi said that he only searched the area of the vehicle he was sitting at to make sure that he did not sit on anything. PO Tancredi stated that he did not hear the

conversation between PO Dejesus and § 87(2)(b) and did not hear PO Dejesus use profanity or call § 87(2)(b) a fagot. PO Tancredi stated that he did not see PO Dejesus make contact with § 87(2)(b) face at any time nor punch or slap him. PO Tancredi went to the stationhouse and dropped off the keys and then returned to the field. Later he reported to the stationhouse in order to transport § 87(2)(b). PO Tancredi arrived at the stationhouse before EMS. § 87(2)(b) seemed to be talking fine. He told PO Tancredi that he was going to sue. § 87(2)(b) went from speaking to PO Tancredi to acting like he couldn't speak with EMS and saying that his jaw was broken. PO Tancredi said that he had no apparent injuries. PO Tancredi did not know why § 87(2)(b) was arrested. PO Tancredi stated that he did not use profanity during this incident.

PO Barra

September 30, 2005 12:28PM PO Michael Barra from the 67th Precinct 5:25PM On July 11, 2005 PO Barra worked 1500 to 2335 with Sgt. Ashby, PO Dejesus and PO Tancredi. They were assigned to anti-crime and dressed in plainclothes. PO Barra had been at the precinct for 13 months. PO Barra did not have any memo book entries regarding an incident on Howard and Livonia Avenue. PO Barra was the operator of the black impala that they took on patrol.

At 5:25PM on July 11, 2005 one of PO Barra's partners for the day observed a car make a driving violation and said that they should stop the vehicle. PO Barra could not remember who observed the violation or what the violation was. He did not observe the violation. As they were following behind the vehicle and were going to stop the vehicle it took an abrupt illegal u-turn to the other side of the roadway. The motorist pulled to the side of the road and exited the vehicle. PO Barra pulled up behind the vehicle and the officers exited their vehicle. PO Barra approached the driver, § 87(2)(b) who was outside the vehicle standing next to it in the street. PO Barra asked for his license and registration. § 87(2)(b) told PO Barra that he did not have a license. He said, "I don't have anything, it's at home." PO Barra suggested he show a letter or anything else to prove his identity. The motorist stated that they would have to drive to the other side of Brooklyn where he lived to get his license because he left it at home. PO Barra asked § 87(2)(b) if he was the owner of the vehicle. § 87(2)(b) said no. PO Barra asked him who the vehicle belonged to and he said that he did not know. § 87(2)(b) was being sarcastic. § 87(2)(b) was irate from the beginning of the interaction because he could not understand why he needed to have his license on him. PO Barra became suspicious that the car was stolen. PO Barra told the motorist to step to the back of the vehicle where PO Dejesus was. PO Barra looked through the window around the steering column to see if there was any damage to that area. PO Barra looked at the stickers and looked to see if the vehicle had a front plate. As PO Barra was doing that he looked towards the back of the car and PO Dejesus was handcuffing § 87(2)(b). PO Barra did not know why § 87(2)(b) was being handcuffed at that moment. PO Barra stated that § 87(2)(b) was being disorderly when the officers were talking to him at the back of the car. He was trying to draw attention by yelling even though the street was desolate. A woman and a child who was approximately 6 years old were also in the car. When § 87(2)(b) was being handcuffed she asked why he was being arrested and PO Barra said that he was being brought to the 67th Precinct. She told PO Barra that she would take the car because it belonged to someone she knew. PO Barra told her to have the owner come to the precinct with his identification and paperwork for the car. PO Barra stated that he did not call her a "stupid bitch" and he did not hear any of the other officers swear at her.

PO Barra stated that he did not know what happened after he sent § 87(2)(b) to the back of the car that led to his being handcuffed. The handcuffing was ordinary, PO Barra watched from the front of the car. PO Dejesus and Sgt. Ashby walked § 87(2)(b) to their police vehicle. He was put into the car. § 87(2)(b) and PO Dejesus were arguing but PO Barra could not make out what they were saying. The officers did not use force to get § 87(2)(b) in the car. At one point § 87(2)(b) pushed off the frame of the car with his feet but PO Dejesus just told him to get into the car. PO Dejesus did not call § 87(2)(b) a "little fagot." Sgt. Ashby sat in the back of the vehicle with the prisoner. PO Barra drove the police vehicle back. PO Tancredi and PO Dejesus took the vehicle that § 87(2)(b) had been driving back to the precinct. In the car PO Barra found out that § 87(2)(b) was being arrested § 87(2)(a) 160.50. PO Barra went back and brought § 87(2)(b) to the desk with Sgt. Ashby. A few minutes later PO Dejesus came into the stationhouse and took over. § 87(2)(b) did not make any allegations of police misconduct in PO Barra's presence and did not appear to have any injuries. While PO Barra was in the stationhouse EMS was called because § 87(2)(b) claimed that PO Dejesus hit him and that he was bleeding

profusely. § 87(2)(b) was not bleeding. PO Barra did not see PO Dejesus hit § 87(2)(b) in the face or make any contact with his face. PO Barra stated that prior to PO Dejesus and PO Tancredi taking the car to the stationhouse, the car was not searched. None of the officers went into the trunk of the car.

Sgt. Ashby

September 29, 2005 10:10AM. July 11, 2005, Sgt. Ashby worked 1500 by 2335 as anti-crime supervisor. PO Dejesus PO Barra and PO Tancredi. They were dressed in plainclothes. At 1725 PO Dejesus had an arrest on Howard and Livonia, IAB notified of a complaint of abuse.

At 5:25PM on July 11, 2005 § 87(2)(b) vehicle was observed making a right on a red light as they followed him he made a U-turn. Sgt. Ashby was the front passenger of the vehicle. They made a U-turn and pulled up behind him. The officers exited the vehicle and Sgt. Ashby stayed to the back of the vehicle on the driver's side. § 87(2)(b) was already outside of his vehicle and did not go back in. There was also a female a child and a dog that had been in the vehicle. The child was probably 7 or 8 years old. PO Barra went to the driver and either PO Tancredi or PO Dejesus went to the passenger side. PO Barra asked § 87(2)(b) for his license and registration. § 87(2)(b) was irate at first but then stated that he did not have them. § 87(2)(b) was irate in that he was loud and asked why he was being stopped. § 87(2)(b) was told to go to the back of the vehicle. PO Dejesus was there with Sgt. Ashby. PO Dejesus asked § 87(2)(b) again if he had any identification and § 87(2)(b) stated that he did not. § 87(2)(b) was cursing and stated that he was being harassed. No one was on the street. § 87(2)(b) told them that they should go to his house and get it. Since he could not produce identification § 87(2)(b) was then placed under arrest. Sgt. Ashby made the decision to arrest § 87(2)(b) because he could not be summonsed without identification. PO Dejesus asked § 87(2)(b) to turn around. Handcuffs were placed on § 87(2)(b) and he was taken to the police vehicle by PO Dejesus. Sgt. Ashby was standing next to them. § 87(2)(b) was asked to sit down in the vehicle. At first § 87(2)(b) pushed back against the frame of the door so PO Dejesus pushed § 87(2)(b) back into the car and the door was closed. PO Dejesus did not make any other physical contact with § 87(2)(b). § 87(2)(b) started cursing at PO Dejesus from inside the car. PO Dejesus did not react. § 87(2)(b) was talking about PO Dejesus' mother and PO Dejesus' mother was very sick. Sgt. Ashby saw that all § 87(2)(b) anger was directed towards PO Dejesus so he instructed PO Dejesus to go to the other car. § 87(2)(b) told PO Dejesus that he was going to get rich off of him. Before transporting the vehicle Sgt. Ashby has his officers check the immediate area of the seats for any contraband for their safety. Besides the immediate seating area, no other parts of the car were searched until an inventory search was done at the precinct. PO Barra and Sgt. Ashby brought § 87(2)(b) to the stationhouse. At that time § 87(2)(b) stated that he was hurt and an ambulance was called. He claimed that PO Dejesus slapped him. The ambulance brought him to the hospital. Sgt. Ashby notified his ICO and IAB. Sgt. Ashby stated that PO Dejesus did not slap § 87(2)(b) and that he was there the entire time. The ambulance was immediately called when they got to the stationhouse from the radio. § 87(2)(b) did not have any apparent injuries. Sgt. Ashby did not interact with a female on the scene and stated that he did not hear anyone call her a "stupid bitch." Sgt. Ashby stated that § 87(2)(b) was charged § 87(2)(a) 160.50. However, there was no one on the street to draw.

Medical Records

ACR

The Ambulance Call Report indicated that § 87(2)(b) was complaining of pain to the left side of his face from an alleged assault. In the comments section of the report it stated that § 87(2)(b) was complaining of pain to his jaw due to an assault. The report noted that § 87(2)(b) was not bleeding on his cheek or jaw or on the left side of his face and there was no swelling and no pain to touch but that § 87(2)(b) stated that he could not open his mouth. § 87(2)(a) 160.50

Medical Records

§ 87(2)(b) arrived at § 87(2)(b). He claimed that his mouth and lip were injured six hours before by a direct blow with a fist. § 87(2)(b) also claimed soft tissue neck pain. The physician noted a mucosal membrane abrasion on the left side of § 87(2)(b) cheek and an abrasion to the right arm. § 87(2)(b) was prescribed Motrin Ibuprofen.

Arrest Documents

§ 87(2)(a) 160.50

Vouchers

Voucher numbers § 87(2)(b) were generated from this incident. Items listed were vouchered for “safe-keeping.”

Sprint Records

A search for calls generated from this incident was negative.

Conviction History

§ 87(2)(b)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officer CCRB History

PO Pablo Dejesus has had four allegations substantiated by the Board, all of which were abuse of authority allegations stemming from case numbers 200404355 (question and stop, frisk and search and refusal to provide name and shield) and 200503906(question and stop.) PO Dejesus was penalized with Command Discipline A in regard to the board’s substantiation of case number 200404355. He has also been charged with other misconduct in case numbers 200404355, 200406066, and 200503906 § 87(4-b), § 87(2)(g) and in case 200503906 PO Dejesus filed a false official document.

Civilian CCRB History

This is the only complaint that § 87(2)(b) has filed at the CCRB.

Conclusions and Recommendations

Undisputed Facts

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) The car that he was driving belonged to his cousin § 87(2)(b) boyfriend. § 87(2)(b) was in the back seat with her § 87(2)(b) old son § 87(2)(b) and her other son § 87(2)(b), who was § 87(2)(b) old, was in the front passenger seat of the vehicle. There was also a dog in the vehicle. Having observed the traffic infractions PO Dejesus, Sgt. Ashby, PO Tancredi and PO Barra pulled their unmarked vehicle up next to § 87(2)(b). When they asked him for his license he told them that he did not have it. He was asked to step to the back of the car where PO Dejesus was standing. PO Dejesus handcuffed him and put him into the patrol vehicle. § 87(2)(b) was talking throughout the time that he interacted with the police who, along with his cousin § 87(2)(b) told him to shut up. § 87(2)(b) was making comments about PO Dejesus’ mother, who was sick at the time of the incident. After PO Dejesus put § 87(2)(b) into the patrol vehicle Sgt. Ashby told PO Dejesus to travel with PO Tancredi in the other vehicle in order to get him away from § 87(2)(b). At the stationhouse § 87(2)(b) complained that PO Dejesus used physical force against him resulting in injury to his cheek and jaw. EMS came to the scene and transported § 87(2)(b) to § 87(2)(b). § 87(2)(a) 160.50

Disputed Facts

§ 87(2)(g)

Credibility

Civilian Credibility

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Officer Credibility

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Analysis

Allegation A: PO Pablo Dejesus spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation B: An officer spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

According to Kamin's Search and Seizure Law regarding vehicle searches (pp. 352-353) there are two requirements for a search incident to a lawful arrest. "First, the search must be contemporaneous in time with the arrest because validity of the search depends on unity of time.... The second requirement for this search is geographical: the search must be limited to the area within the arrestee's immediate control." § 87(2)(b), § 87(2)(g)

Allegation D: PO Pablo Dejesus made remarks to § 87(2)(b) based upon the sexual orientation of

§ 87(2)(b).

§ 87(2)(b), § 87(2)(g)

According to Patrol Guide Procedure No. 203-10 regarding public contact, an officer is prohibited from using discourteous or disrespectful remarks regarding another person's sexual orientation. § 87(2)(b), § 87(2)(g)

Allegation E: PO Pablo Dejesus used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation F: PO John Tancredi damaged § 87(2)(b) property.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: